

**ERIE COUNTY LEGISLATURE
MEETING NO. 11
MAY 9, 2019**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Lorigo, who requested a moment of silence.

The Pledge of Allegiance was led by Chair Baskin.

Item 1 – CHAIR BASKIN called for the designation of Majority Leader of the Erie County Legislature for the remainder of 2019.

MR. BRUSO presented a petition designating JOHN BRUSO as MAJORITY LEADER OF THE ERIE COUNTY LEGISLATURE for the remainder of 2019.

CHAIR BASKIN directed that the petition be received, filed and printed.

GRANTED.

We, the undersigned, representing a majority of the members of the Majority Caucus in the Erie County Legislature do hereby designate John Brusio as Majority Leader of the Erie County Legislature for 2019.

Howard J. Johnson, Jr. – 1st District

April N.M. Baskin – 2nd District

Kevin R. Hardwick – 4th District

Thomas A. Loughran – 5th District

Timothy J. Meyers – 7th District

John Brusio – 8th District

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meeting.

Item 4 – MR. BRUSO moved for the approval of the minutes for Meetings Number 8, 9, and 10 from 2019. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 5 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MS. DIXON, MR. LORIGO, MR. RATH, MR. MILLS, CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN & MR. MEYERS presented a proclamation Honoring American Bikers Aimed Toward Education (ABATE) and Celebrating the 29th Annual ABATE Safety and Awareness Ride.

Item 7 – MR. BRUSO presented a proclamation Recognizing the 150th Anniversary of the Village of Alden.

Item 8 – MS. DIXON presented a proclamation Recognizing the Armor Volunteer Fire Company's 75th Anniversary and Thanking the Volunteers for Their Dedication to the Community.

Item 9 – MS. DIXON presented a proclamation Recognizing the VFW Auxiliary Department of New York District 6 for Its Work on Behalf of All Military Service Veterans and Active Service Personnel and Congratulating the Organization on Its 75th Anniversary.

Item 10 – MR. HARDWICK presented a proclamation Recognizing the 75th Anniversary of the Grand Island Dispatch.

Item 11 – CHAIR BASKIN presented a proclamation Honoring Gwendolyn Curry as 2019 Recipient of the Christopher A. Collins Humanitarian Award from Tabernacle Charities, Inc.

Item 12 – MR. MILLS presented a proclamation Honoring JoAnn Litwin Clinton as the Orchard Park Republican Committee's 2019 Republican of the Year and Thanking Her for Her Commitment and Dedication to the Community.

Item 13 – MS. DIXON presented a proclamation Acknowledging Matthew Grosso on Obtaining the Rank of Eagle Scout.

Item 14 – MR. MILLS presented a proclamation Honoring the Western New York Railway Historic Society for Being Selected by the Town of Orchard Park as the 2019 Recipient of the Arbor Day Tree Dedication.

Item 15 – MS. DIXON, MR. RATH, MR. LORIGO & MR. MILLS presented a proclamation Honoring the Volunteer Firefighters of Erie County and Encouraging Participation in RecruitNY on April 27-28 to Raise Awareness for the Need to Recruit New Members of the Fire Service.

Item 16 – MR. LOUGHRAN presented a proclamation Recognizing and Acknowledging Shirley Monacelli for Her Lifetime of Community Service and Contributions to Amherst and Western New York.

Item 17 – MS. DIXON presented a proclamation Recognizing the Colonel John B. Weber VFW Post 898 for Its Work on Behalf of All Military Service Veterans and Active Service Personnel and Congratulating the Post on Its 75th Anniversary of Continuous Operation.

Item 18 – CHAIR BASKIN, MR. BRUSO, MR. LORIGO, MR. JOHNSON, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. MEYERS, MS. DIXON & MR. MILLS

presented a proclamation Recognizing National Small Business Week in Erie County and Thanking All Small Business Owners and Entrepreneurs in Erie County.

Item 19 – MR. MILLS presented a proclamation Honoring Darlene Schweikert as 2019 Clerk of the Year by the Erie County Town Clerk Tax Receiver and Tax Collector Association.

MR. BRUSO moved for consideration of the above fourteen items. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved to amend the above fourteen items by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved for approval of the above fourteen items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 20 – CHAIR BASKIN directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 21 – CHAIR BASKIN directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 22 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2018 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 24 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 26 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIR BASKIN directed that Local Law No. 6 (Print #1) 2019 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 28 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

May 2, 2019	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 8
-------------	--

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16E-33 (2018)
MILLER-WILLIAMS: “Communications Regarding Sherman L. Walker Community Center at 608 William St.”
(Chair’s Ruling)
 - b. COMM. 4E-4 (2019)
LORIGO & DIXON: “Letter to Chair of Health & Human Services Committee - Important Topics to Discuss in Committee”
(Chair’s Ruling)
 - c. COMM. 5D-7 (2019)
DEPARTMENT OF SOCIAL SERVICES: “CPS Statistical Report – February 2019”

(Chair's Ruling)

d. COMM. 7E-7 (2019)
COMPTROLLER: "Letter to Social Services Commissioner Regarding Audit of Hotels Used by DSS"
(Chair's Ruling)

e. COMM. 8M-5 (2019)
EC BOARD OF HEALTH: "Meeting Minutes for Meeting Held on January 15, 2019"
(Chair's Ruling)

2. COMM. 8E-8 (2019)
COUNTY EXECUTIVE
WHEREAS, the Erie County Cancer Services Program Provides free cancer screening for uninsured and under-insured individuals in Erie county; and

WHEREAS, the Erie County Cancers Services Program connects individuals with cancer who have no insurance or poor insurance to the New York State Cancer Insurance program; and

WHEREAS, 85 West Communications will be contracted by the Cancer Services Program for the provision of program services through September 30, 2023; and

WHEREAS, 85 West Communications was recommended by other healthcare entities as having a health promotion focused background; and

WHEREAS, the provision of program promotion services is based upon assigned rates from multiple grant funding sources for the Cancer Services Program (CSP) of Erie County; and

WHEREAS, the funds necessary to cover the costs of this contract are available through the professional services accounts in the Cancer Services and Susan G. Komen for the Cure-Upstate grants.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with 85 West Communications for the provision of professional public relations, program promotion and media relation services in the amount of \$3,000 for the period February 1, 2019 through September 30, 2023; and be it further

RESOLVED, that funds necessary to cover the costs of this contract are available through the professional services accounts of the following grants and their future grant years: 127PARTPREV1819 and 127KOMEN1819; and be it further

RESOLVED, that is contract is under the RFP threshold; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department

of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.
(6-0)

3. COMM. 8E-9 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has declared opioid addiction a public health crisis; and

WHEREAS, neo-natal abstinence syndrome is one of the most profound consequences of the opioid epidemic, causing newborn babies to be born addicted to opioids; and

WHEREAS, SBIRT training is a nationally recognized, evidence based process to screen for and intervene to assist individuals with opioid use disorder; and

WHEREAS, the Erie County Department of Health has been funded to provide SBIRT training to local OB/GYN office; and

WHEREAS, OB/GYN Associates of WNY has three offices in Erie County and is a willing participant in this important grant program; and

WHEREAS, there is no county cost to adding an additional OB/GYN offices to the existing federally funded grant program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with OB/GYN Associates of WNY; and be it further

RESOLVED; that the length of this contract shall begin on May 1, 2019 and expire on April 30, 2021; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9th Floor, Rath Building.
(6-0)

4. COMM. 8E-10 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services previously contracted with Diona (US) Inc. to develop a custom solution that integrates mobile and desktop components which will allow Child Protective Services (CPS) staff to develop, create, access and update case files; and

WHEREAS, the software developed by Diona (US) Inc. has been deployed and Department of Social Services and Division of Information and Support Services staff support the software on day-to-day issues; and

WHEREAS, the Department of Social Services entered into an agreement with Diona (US) Inc. to provide high-level support for the software; and

WHEREAS, the Department of Social Services and Division of Information and Support Services do not have the technical expertise to make significant changes to the software and rely on support from Diona (US) Inc. to make those changes; and

WHEREAS, because Diona (US) Inc. has developed the software and customized it for the Department of Social Services, it is the best vendor to provide ongoing support; and

WHEREAS, the Department of Social Services is very satisfied with the support provided to it by Diona (US) Inc.; and

WHEREAS, the Department of Social Services has negotiated an agreement for Diona (US) Inc. to provide twelve months (240 hours of support) of offsite support and two 2 consecutive weeks of onsite support \$31,400.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Diona (US) Inc. to provide twelve months (240 hours of support) of offsite support and two 2 consecutive weeks of onsite support \$31,400; and be it further

RESOLVED, that the funding is available in account 516020, professional services, of the Department of Social Services (Fund Center 120); and be it further

RESOLVED, the County Administrative Code requirement in section 19.08 Request for Proposals (RFP) is hereby waived as Diona is the sole source provider of this service; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, the Department of Social Services, and the Division of Information and Support Services.
(6-0)

5. COMM. 8E-11 (2019)
COUNTY EXECUTIVE

WHEREAS, pursuant to 18 NYCRR §304.2, Erie County Department of Social Services was required to submit a Homeless Services Plan.; and

WHEREAS, was required to work with Homeless Alliance of Western New York (HAWNY), the local Continuum of Care and Homeless Management Information System (HMIS) administrator, on the plan to coordinate services and meet regulatory requirements; and

WHEREAS, in order to improve Homeless Services Plans across the State, New York

State Office of Temporary and Disability Assistance (OTDA) provided a one-time \$45,000 incentive to districts; and

WHEREAS, this incentive can only be used to support districts connect to HMIS and other administrative actions related to their Homeless Service Plan; and

WHEREAS, HMIS is a local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness; and

WHEREAS, nearly all homeless providers in Erie County use HMIS; and

WHEREAS, the Department of Social Services is able to acquire ten licenses to HMIS for five years from HAWNY at a cost of \$500 per license per year; and

WHEREAS, HAWNY is willing to develop new reports on HAWNY needed to monitor performance at a cost of \$2,500; and

WHEREAS, HMIS allows housing and service providers to enter client and services information into a secure web-based database; and

WHEREAS, HMIS is an important tool to capture the extent of homelessness as well as the demographic characteristics of persons who are either homeless or at risk of becoming homeless; and

WHEREAS, there are no new or additional requirements as a result of accepting these funds.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2019 Adopted Budget:

Department of Social Services, Fund 110, Department 120

ACCOUNT	DESCRIPTION	INCREASE
530000	Other Expenses	<u>\$27,500</u>
	Total Expenditures	<u>\$27,500</u>
409000	State Aid	<u>\$27,500</u>
	Total Revenues	<u>\$27,500</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any further budget adjustments required for this program in order to comply with final New York State approved allocations; and be it further

RESOLVED, that the Department of Social Services is authorized to pre-pay HAWNY for ten licenses to HMIS for five years; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Office of the Comptroller and the Division of Budget and Management.

(6-0)

6. COMM. 8E-12 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services' various grants have available Home Care Services appropriations for the period January 1, 2019 through March 31, 2020; and

WHEREAS, the fourteen Home Care agencies the Department currently contracts with are not always able to meet the demands for services; and

WHEREAS, the Department of Senior Services has identified an additional Home Care agency, Community Concern of WNY, Inc., willing and capable to provide services to seniors residing throughout the county under the Department's Home Care Services program; and

WHEREAS, the Department of Senior Services desires to contract with Community Concern of WNY, Inc. to provide Home Care services, under the Department's Home Care Services program for the period January 1, 2019 to March 31, 2020.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Community Concern of WNY, Inc. to provide home care services to individuals referred by the Department of Senior Services' case management staff for the period January 1, 2019 through March 31, 2020; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive's Office, Division of Budget and Management, Comptroller's Office, Department of Law and the Department of Senior Services.

(6-0)

JOHN BRUSO
CHAIR

Item 29 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

May 2, 2019	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 8
-------------	---

ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 4-4 (2019)
BRUSO: “Donating Part of the Old Artificial Turf at New Era Field to the Depew-Lancaster Boys & Girls Club
(Chair’s Ruling)
 - b. COMM. 4E-28 (2019)
SAVAGE: “Letter to County Executive Concerning Old Turf at New Era Field”
(Chair’s Ruling)
 - c. COMM. 8M-2 (2019)
NFTA: “NFTA Board Minutes for Meeting Held on February 28, 2019”
(Chair’s Ruling)
 - d. COMM. 8M-3 (2019)
NYS DEPT. OF PUBLIC SERVICE: “Factsheet & Public Hearing Announcement Regarding Northern Section Rebuild”
(Chair’s Ruling)
2. COMM. 8E-3 (2019)
COUNTY EXECUTIVE
WHEREAS, the pool and ancillary systems and equipment at the SUNY Erie City Campus Burt Flickinger Athletic Center are now 27 years old and, with the exception of the warm-up pool, have never been evaluated or updated; and

WHEREAS, Counsilman-Hunsaker is the original Pool Consultant for the SUNY Erie City Campus Burt Flickinger Athletic Center project and possess former knowledge of the design and engineering of the existing swimming pool system; and

WHEREAS, the Department of Public Works is seeking authorization for the County Executive to create a new purchase order for a Pool Facility Existing Assessment by Counsilman-Hunsaker for the SUNY Erie City Campus Burt Flickinger Athletic Center project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to create a new purchase order in the amount of \$7,500 for a Pool Facility Existing Assessment by Counsilman-Hunsaker for the SUNY Erie City Campus Burt Flickinger Athletic Center project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted capital project as follows:

Funds Center 122 Fund 480 E.16005 2016 Erie Community College -	
Code Compliance (Collegewide)	\$7,500
Total Payment Not To Exceed:	\$7,500

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to SUNY Erie of the Chief Administrative and Financial Officer.

(6-0)

3. COMM. 8E-5 (2019)
COUNTY EXECUTIVE

WHEREAS, the County of Erie received bids for the SUNY Erie City Campus – 2018 – Ellicott Street Building Elevator Modernization project on Thursday, March 28, 2019; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Bison Elevator Service Inc., the Mechanical Construction Work is John W. Danforth Company, and for the Electrical Construction Work is Goodwin Electric Corporation; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the Department of Public Works and Architectural Resources are recommending award of the contract to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the SUNY Erie City Campus – 2018 – Ellicott Street Building Elevator Modernization project for an amount not to exceed as follows:

General Construction Work

Bison Elevator Service Inc.	Base Bid:	\$ 683,670
	Add Alternate No. G-1:	\$ 12,660
Total Award of General Construction Contract:		\$ 696,330

Mechanical Construction Work

John W. Danforth Company	Base Bid:	\$ 37,850
Total Award of Mechanical Construction Contract:		\$ 37,850

<u>Electrical Construction Work</u>		
Goodwin Electric Corporation	Base Bid:	\$ 153,900
	Add Alternate No. E-1:	\$ 10,200
	Deduct Alternate No. E-2	(\$ 2,500)
<hr/>		
Total Award of Electrical Construction Contract:		\$ 161,600

and be it further

RESOLVED, that the sum of \$154,220 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved, as amended 2016 and 2017 capital budgets, Fund 480, Funds Center 122, follows:

E.16005 – 2016 Erie Community College – Code Compliance (Collegewide)	\$ 392,500
E.17005 – 2017 Erie Community College – Code Compliance (Collegewide)	\$ 657,500
<hr/>	
Total Payment Not To Exceed:	\$1,050,000

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to SUNY Erie and Financial Officer.
(6-0)

4. COMM. 8E-6 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works desires to engage the services for Special Inspections and Testing in order to comply with the requirements of building codes on various County projects; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management also undertakes construction projects subject to special inspections; and

WHEREAS, the Department of Public Works advertised for Special Inspections and Testing firms and received proposals on March 6, 2019; and

WHEREAS, a review of proposals evaluated each firm's expertise, experience, and Manpower to provide the required services; and

WHEREAS, the Department of Public Works is recommending award of the contract to SJB Services, Inc. to provide the required services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with the SJB Services, Inc. for the Erie County – On-Call Special Inspections and Tests for an amount not to exceed \$150,000; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for services from Capital Project A.18004 – Countywide Code and Environmental Compliance, Funds Center 122, Fund 410 for a total amount not to exceed \$75,000; and be it further

RESOLVED, that the County Comptroller be authorized to allocate \$75,000 for the agreement from the Sewer Operating Fund 220 (including funds centers 18110, 18210, 18310, and 18610, account 516020 (Professional Service Contracts)) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that two certified copies each of this resolution be sent to the Department of Public Works, Commissioner’s Office and the Department of Environment and Planning, Division of Sewerage Management and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

Item 30 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

May 2, 2019	PUBLIC SAFETY COMMITTEE REPORT NO. 8
-------------	---

ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 5-1 (2018)
MILLER-WILLIAMS: “Reinstatement of the EC Community Corrections Advisory Board”
(Chair’s Ruling)

- b. COMM. 16E-30 (2018)
SHERIFF: “EC Sheriff’s Office – SRO & Child Protection Resolution”
(Chair’s Ruling)
- c. LL INTRO. 6-1 (2019)
MILLER-WILLIAMS: “A LL Amending Article 17 of the Erie County Charter in relation to establishing a Division for Inmate Welfare and Corrections Operations and its Advisory Board”
(Chair’s Ruling)

2. COMM. 8E-7 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through comprehensive emergency management planning, preparedness, training, response and coordination of emergency services resources in Erie County during actual or potential disaster events; and

WHEREAS, the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$1,106,090.00 in state assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Homeland Security & Emergency Services requires legislative approval to accept the State funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept this state funds to serve individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept New York State grant funds for the upgrade of radio consoles in the 911 Dispatch Center, and enter into contract with the Motorola Solutions, Inc., and authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Homeland Security & Emergency Services
Grant Fund 281, Fund Center 1670030
January 1, 2019 – December 31, 2020
HS167SICG1920

Revenue	Increase
Account 414000 - State Aid Revenue	\$1,106,090
Appropriation	Increase
Account 561410 – Lab & Technical Equipment	\$1,106,090

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

Item 31 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

May 2, 2019	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 5
-------------	---

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 18-3 (2018)
LOUGHRAN & LORIGO: “Fourth Resolution Terminating Appointment of Erie County Water Authority Commissioner Jerome Schad”
(Chair’s Ruling)
 - b. COMM. 20E-25 (2018)
LORIGO & LOUGHRAN: “Letter to Chair of Legislature Regarding Remove ECWA Commissioner Shad”
(Chair’s Ruling)
 - c. COMM. 23E-28 (2018)
LOUGHRAN & LORIGO: “Letter to Chair, Energy & Environment Committee – Erie County Water Authority Hiring Practices”
(Chair’s Ruling)
 - d. COMM. 3E-6 (2019)

- SAVAGE: “Public Notice Concerning Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- e. COMM. 3E-7 (2019)
SAVAGE: “Letters of Interest & Resumes for Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- f. COMM. 3E-8 (2019)
SAVAGE: “Interviews for Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- g. COMM. 3E-9 (2019)
SAVAGE: “Letter to Democratic Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- h. COMM. 3E-10 (2019)
SAVAGE: “Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- i. COMM. 3E-11 (2019)
SAVAGE: “Letter to Conservative Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- j. COMM. 3E-12 (2019)
SAVAGE: “Letter to Independence Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
- k. COMM. 4M-2 (2019)
JEROME D. SCHAD: “Letter to Chair Savage Regarding Position of ECWA Commissioner”
(Chair’s Ruling)
- l. COMM. 4M-11 (2019)
PETER A. REESE: “Letter to Chair Savage Regarding Position of ECWA Commissioner”
(Chair’s Ruling)
- m. COMM. 5E-10 (2019)
LORIGO: “Submission to the Public Record – Statement from Buffalo Niagara Coalition for Open Government, Regarding ECWA Board Appointment”
(Chair’s Ruling)

- n. COMM. 5M-2 (2019)
NYSDEC: “Invitation for Public Comment – Proposal to Address Contamination at Brownfield Site on Elmwood Ave., Buffalo”
(Chair’s Ruling)
- o. COMM. 5M-7 (2019)
ECWA: “Requirements for Position of Executive Director of ECWA”
(Chair’s Ruling)
- p. COMM. 5M-8 (2019)
PAUL W. WOLF, ESQ.: “Press Release Regarding Buffalo Niagara Coalition for Open Government Concerning Speaking Request at Legislative Committee Meeting”
(Chair’s Ruling)
- q. COMM. 8E-19 (2019)
COUNTY EXECUTIVE: “ECSD No. 8 – Engineering Term Contract Agreement”
(Chair’s Ruling)
- r. COMM. 8E-20 (2019)
COUNTY EXECUTIVE: “ECSD No. 3 – Engineering Term Contract Agreement”
(Chair’s Ruling)

2. COMM. 8E-16 (2019)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 7E-9 (2017). Contract No. BVPS #3-D was awarded to Frey Electric Company, Inc. to construct the Boston Valley Pumping Station Improvements in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. BVPS #3-D, in the final contract amount of \$361,651.03 which includes Change Order No. 1 (final), a decrease of (\$41,348.97) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. BVPS #3-D between the County of Erie and Frey Electric Company, Inc. (100 Pearce Avenue, Tonawanda, New York 14150) is accepted in the final contract amount of \$361,651.03 which includes Change Order No. 1 (final), a decrease of (\$41,348.97) and is allocated in Erie County Sewer District No. 3 Capital Project C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract BVPS #3-D to Frey Electric Company, Inc. for a total contract amount of \$361,651.03; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(6-0)

3. COMM. 8E-17 (2019)
COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the improvement of the Shoreline trail system; and

WHEREAS, Erie County owns and maintains the Shoreline Trail and is responsible for capital improvements that are needed periodically; and

WHEREAS, Erie County applied and was awarded a \$200,000 New York State Office of Parks, Recreation and Historic Preservation's (SHPO) Recreational Trails Program (RTP) grant for the purposes of undertaking capital improvements on the Shoreline Trail in the Town and City of Tonawanda; and

WHEREAS, Erie County also applied and was awarded a \$200,000 Niagara River Greenway Commission grant for the purposes of undertaking capital improvements on the Shoreline Trail; and

WHEREAS, the RTP Grant requires a 20% match; and

WHEREAS, matching funds for the RTP grant in the amount of \$50,000 are available from the grant awarded by the Niagara River Greenway; and

WHEREAS, Erie County is desirous of engaging engineering and construction management services for the Shoreline Trail Enhancement Project in the Town and City of Tonawanda; and

WHEREAS, in compliance with Section 19.08 of the Erie County Administrative Code a consultant selection process was undertaken to evaluate responses to Request for Proposal #1903 VF.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to Capital Project A.19075:

Increase Revenue/ Appropriations totaling \$200,000 as follows:

Revenue

Commitment Item 420499 (Other Local Source Revenue) \$200,000

Appropriation

Commitment Item 516020 (Professional Services – Contractual Fees) \$200,000

Increase Revenue/Appropriations totaling \$200,000 as follows:

Revenue

Commitment Item 420499 (Other Local Source Revenue) \$200,000

Appropriation

Commitment Item 516020 (Professional Services – Contractual Fees) \$200,000

and be it further

RESOLVED, that authorization is hereby provided for the County Executive to execute all agreements necessary to accept funding and seek reimbursement of these funds in an amount not to exceed \$200,000 from the New York State Office of Parks, Recreation and Historic Preservation's (SHPO) Recreational Trails Program (RTP) grant program; and be it further

RESOLVED, that authorization is hereby provided for the County Executive to enter into all agreements necessary to accept funding and accept reimbursement of these funds in an amount not to exceed \$200,000 from the New York Power Authority or Community Foundation for Greater Buffalo; and be it further

RESOLVED, that the County Executive be authorized to execute a Contract for Engineering and Construction Management services for the Shoreline Trail Enhancement Project in an amount not to exceed \$195,477 with Nussbaumer and Clarke, Inc.; and be it further

RESOLVED that an amount of \$195,477 be allocated from Capital Project A.19075 for Engineering and Construction Management Services and additional amount of \$19,548 be allocated for a Department of Environment and Planning design contingency fund with authorization from the County Executive to approve contract amendments with Nussbaumer and Clarke, Inc. not to exceed \$19,548, also be allocated from Capital Project A.19075; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, the Commissioner of the Department of Public Works and the Commissioner of Department of Parks, Recreation and Forestry.

(6-0)

TIMOTHY MEYERS
CHAIR

Item 32 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

May 2, 2019	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 8
-------------	---

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby tabled as amended:
 - a. COMM. 8E-13 (2019)
COUNTY EXECUTIVE: “2018 Year-End Budget Balancing Amendments & Designations”
(6-0 on the amendment)
2. RESOLVED, the follow items are hereby received and filed:
 - a. COMM. 2E-27 (2019)
RATH, DIXON, LORIGO & MILLS: “Letter Regarding Amendments to Erie County’s Four-Year Fiscal Plan”
(Chair’s Ruling)
 - b. COMM. 8D-4 (2019)
DIRECTOR OF BUDGET & MANAGEMENT: “Letter Concerning Budget Monitoring Reports”
(Chair’s Ruling)
 - c. COMM. 8M-6 (2019)
ASSIGNED COUNSEL PROGRAM: “Quarterly Report for 1st Quarter – 2019”
(Chair’s Ruling)
3. COMM. 8E-14 (2019)
COUNTY EXECUTIVE
WHEREAS, the Department of Social Services is seeking approval to execute contracts with community providers for the 2019 Summer Primetime program; and

WHEREAS, the availability of local share funding provided in the 2019 Adopted Budget enable this program implementation; and

WHEREAS, Operation Primetime provides for an adult supervised environment for the ten-week school summer recess period, and program activities consist of structured recreation that prevent delinquency, increase socialization and foster respect for authority; and

WHEREAS, a Request for Proposals was distributed for this program and Youth Board

panel recommendations were utilized to determine contract amount awards; and

WHEREAS, there is no additional local share necessary for these awards and there is no fiscal impact based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and the Commissioner of Social Services are hereby authorized to execute contracts with the following providers for Operation Primetime from available 2019 funds in Fund Center 12530, Account 517749 (Operation Primetime) in the Youth Bureau:

Agency	Amount
Access of WNY	\$10,000
BCAT	\$10,000
Be-A-Friend Program	\$10,000
Best Self Behavioral Health	\$13,200
Blossom Garden	\$10,000
Boys & Girls Buffalo	\$10,000
Boys & Girls East Aurora	\$10,000
Boys & Girls Elma, Marilla, and Wales	\$10,000
Boys & Girls Holland	\$10,000
Boys and Girls Eden	\$9,500
Boys and Girls Northtowns	\$10,000
Boys and Girls Orchard Park	\$10,000
Buffalo PAL	\$10,000
Buffalo Urban League	\$10,000
Compass House	\$6,000
Compeer Buffalo	\$10,000
Cornell Corporation	\$10,000
Cradle Beach	\$10,000
Enlightenment Bookstore	\$10,000
Fbites	\$8,500
First Shiloh Youth	\$10,000
Girl Scouts Of WNY	\$10,000
Greater Niagara Frontier (Boy Scouts)	\$10,000
HEAL	\$6,000
JCC Greater Buffalo	\$10,000
Karen Society	\$10,000
King Urban Life Center	\$10,000
Lackawanna Sports And Education	\$10,000

Lackawanna Youth Empowerment	\$15,000
MAP	\$10,000
Mission Ignite	\$10,000
MT. Olive MBC	\$10,000
Native America Community	\$10,000
North Buffalo CDC	\$10,000
Northwest Buffalo	\$10,000
Parker Academy	\$10,000
Peace of the City Ministries	\$15,000
Polish Community Center/Matt Urban	\$10,000
Resource Council of WNY	\$10,000
Seneca Babcock	\$10,000
Seneca Street CDC	\$10,000
Solid Foundation Prep	\$6,000
The Belle Center	\$10,000
The Salvation Army	\$9,500
Total Package Sport	\$7,000
Town of Hamburg Youth Recreation	\$10,000
Town of Tonawanda	\$10,000
True Community Development Corporation	\$10,000
Truway Center	\$10,000
University District Community	\$10,000
Urban Christian Ministries	\$10,000
Valley Community Association	\$15,000
Village of Hamburg Recreation	\$5,000
WAVE	\$2,500
WEDI	\$10,000
West Side Community Center	\$9,150
Westside Community Center SYEP	\$12,450
Willie Hutch Jones	\$15,000
Young Audiences of WNY	\$10,000
YWCA of WNY	\$10,000
Zandra TLC Foundation	\$5,000
Total	\$599,800

and be it further

RESOLVED, that after contracts are executed and filed, the Department of Social Services, Division of Budget and Management and Office of the Comptroller are authorized to effectuate future 2019 payments for these agencies for providing Operation Primetime services;

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Office of the Comptroller and the Division of Budget and Management.

(6-0)

4. COMM. 8E-15 (2019)
COUNTY EXECUTIVE

WHEREAS, the below grant programs are included in Book B of the 2019 Adopted Budget; and

WHEREAS, the 2019 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal year 2019.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of State, Federal or other funding sources, for the following grant programs:

Department - Grant Title	Grant Start Date	Total Appropriation
Law/County Attorney		
Aid to Localities-Indigent Defense	10/1/2019	184,200
Law/County Attorney Total		184,200
Central Police Services		
Aid to Crime Labs	7/1/2019	1,561,476
DNA Backlog Reduction Program	1/1/2019	463,541
Gun Involved Violence Elimination	7/1/2019	294,474
National Forensic Sciences Improvement Act	1/1/2019	53,847
Central Police Services Total		2,373,338
District Attorney		
Aid to Prosecution	10/1/2019	1,396,394
BE-SAFE	10/1/2019	350,601
Crimes Against Revenue Program	1/1/2019	504,236
Federal Family Violence Prevention Svcs Act	4/1/2019	63,052
Gun Involved Violence Elimination	7/1/2019	860,887
Motor Vehicle Theft & Ins Fraud Prev	1/1/2019	142,054
STOP Violence Against Women	1/1/2019	116,226
Victim/Witness Assistance	10/1/2019	806,794

District Attorney Total		4,240,244
Probation		
Alternatives to Incarceration	7/1/2019	350,379
BE-SAFE	10/1/2019	120,784
Conditional Release Program	7/1/2019	126,142
Gun Involved Violence Elimination	7/1/2019	277,918
Intensive Supervision Program	1/1/2019	349,806
Office of Victim Services	10/1/2019	99,278
Probation Total		1,324,307
Sheriff		
Gun Involved Violence Elimination	7/1/2019	262,395
Sheriff Total		262,395
Senior Services		
Alzheimer Disease Caregiver Support Initiative	1/1/2019	163,097
Areawide Agency on Aging	1/1/2019	1,705,847
Community Services for the Elderly	4/1/2019	2,131,237
Congregate Dining Nutrition	1/1/2019	2,496,287
Congregate Services Initiative	4/1/2019	38,616
Disease Prevention & Health Promotion Services	1/1/2019	124,328
Elder Caregiver Support	1/1/2019	1,022,096
Expanded In-Home Services for the Elderly	4/1/2019	3,442,773
Health Insurance Info, Counseling & Assistance	4/1/2019	60,607
Home-Delivered Nutrition	1/1/2019	1,469,049
Medicare Improvements for Patients & Providers Act-ADRC	9/30/2019	49,749
New York Connects	4/1/2019	578,853
Nutrition Services Incentive Program	10/1/2019	700,391
NYS Areawide Agency on Aging Transportation	4/1/2019	58,963
NYS Retired Senior Volunteer Program	4/1/2019	6,014
Retired Senior Volunteer Program	4/1/2019	168,021
Senior Aides	7/1/2019	803,313
Wellness in Nutrition	4/1/2019	1,388,951
Senior Services Total		16,408,192
Health		
Comprehensive Addiction and Recovery Act	10/1/2019	100,000
Expanded Partner Services	4/1/2019	105,000
Expanded Syringe Access and Disposal Project	7/1/2019	80,800
Family Planning Services	1/1/2019	489,581
Immunization Action Plan	4/1/2019	302,000

Komen for the Cure of Breast Cancer CSP	4/1/2019	52,335
Opioid Overdose Prevention	9/1/2019	75,000
Partners for Prevention Infrastructure CSP	10/1/2019	275,000
PREP & Other HIV Prevention Services	4/1/2019	200,000
Public Health Campaign STD	4/1/2019	118,527
Public Health Campaign TB	3/31/2019	362,871
Screening Brief Intervention Referral to Treatment	7/1/2019	100,000
STD Outreach Intervention	1/1/2019	475,000
Teen Pregnancy Prevention	7/1/2019	93,226
PH Preparedness/Response to Bioterrorism	7/1/2019	612,904
Beach Water Quality Monitoring	10/1/2019	12,855
Childhood Lead Poisoning Prevention	10/1/2019	630,199
Enhanced Drinking Water Protection	4/1/2019	162,493
Healthy Neighborhoods	4/1/2019	273,600
Lead Poisoning Primary Prevention	4/1/2019	1,158,822
Public Health Laboratory Response Network	7/1/2019	25,000
Youth Tobacco Enforcement & Prevention	4/1/2019	218,028
Highway Safety	10/1/2019	40,000
Medical Examiner Toxicology Lab Aid	7/1/2019	85,090
National Forensic Science Improvement	1/1/2019	54,017
Health Total		6,102,348
Mental Health		
Peer to Peer Mentoring	1/1/2019	185,000
Single Point of Access	1/1/2019	89,100
Mental Health Total		274,100
County Executive		
Office of Workforce Development	1/1/2019	262,939
County Executive Total		262,939
Environment & Planning		
Community Development Block Grant	4/1/2019	4,864,397
Environment & Planning Total		4,864,397
Library		
Central Library Book Aid	1/1/2019	67,599
Central Library Development Aid	1/1/2019	293,038
Continuity of Service	1/1/2019	47,272
NYS Library System Automation	1/1/2019	72,323
Coordinated Outreach	1/1/2019	159,701
Library Svcs to County Correctional Facilities	4/1/2019	8,290

Library Svcs to State Correctional Facilities	1/1/2019	43,229
Library Total		691,452
<hr/>		
Grand Total		36,987,912

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into sub-contracts with community agencies funded under the above grants as indicated in Book B of the 2019 Adopted Budget; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust grant periods and items of appropriations and revenues, including contractual agency amounts, based on grantor requirements or county share adjustments, provided there are no changes to authorized personnel levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: District Attorney, Office of the Sheriff, Probation, Senior Services, Central Police Services, Library, Health Department, Mental Health, Office of the Comptroller, Department of Environment and Planning, County Attorney's Office and the Division of Budget and Management. (6-0)

5. COMM. 8E-24 (2019)

COUNTY CLERK AS AMENDED

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the County Clerk shall act as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity the Erie County Clerk operates the Erie County Auto Bureau; and

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the County of Erie retains approximately 12.7% of all fees generated at Erie County Auto Bureau locations; and

WHEREAS, the Erie County Auto Bureau maintains six (6) branch locations and one (1) mobile unit throughout the County of Erie to provide convenient services to County residents; and

WHEREAS, the Erie County Auto Bureau - Southtowns Branch lease with Erie Community College – South Campus expired on December 31, 2018 and the parties agreed to a month-to-month tenancy; and

WHEREAS, a request for proposals was issued and four (4) responses were received; and

WHEREAS, those responses were evaluated by a team in the Clerk's Office and they determined the submission by Southgate Associates, LLC proposing to let space in the former Bon Ton Department Store portion of the Southgate Plaza in West Seneca to be the best proposal; and

WHEREAS, the Erie County Clerk's Office is requesting authorization to enter into a lease agreement with Southgate Associates, LLC for the purpose of locating the Erie County Auto Bureau – Southtowns Branch in the former Bon Ton Department Store portion of the Southgate Plaza in West Seneca.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into an Agreement with Southgate Associates, LLC for the purpose of locating the Erie County Auto Bureau – Southtowns Branch in the former Bon Ton Department Store portion of the Southgate Plaza in West Seneca; and be it further

RESOVLED, that said Lease Agreement shall be for a term of sixty (60) months and include 8,480 of square feet at a with rental payments, including construction costs, janitorial and maintenance services, operating expenses and utilities, as follows: Year 1: \$16.32 per square foot; Year 2: \$16.46 per square foot; Year 3: \$16.98 per square foot; Year 4: \$17.32 per square foot; Year 5: \$17.66 per square foot; including an option to extend the lease for two (2) consecutive five (5) year terms at the Tenant's sole discretion upon written notice to the Landlord; and be it further

RESOLVED, provided that the County is not in default of the terms of the Lease Agreement, the Tenant shall be entitled to renew the lease for two (2) consecutive five (5) year terms, in an annual amount not to exceed a two percent (2%) increase in the base rent, at the County's sole discretion upon written notice to landlord; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive; the Erie County Attorney; the Director of the Division of Budget and Management; and the Erie County Clerk.

(6-0)

JOHN BRUSO
CHAIR

LEGISLATOR RESOLUTIONS

Item 33 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 11-1 from LORIGO. Opposition to Mandatory Parole Hearings for Felons Over Age 55.

Item 34 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 11-2 from RATH & MILLS. Opposition to Providing Driver's Licenses to Undocumented Immigrants.

Item 35 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 11-3 from DIXON, LORIGO & MILLS. Calling on NYS to Fund Expected Costs Increases from Legalization of Marijuana.

Item 36 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 11-4 from BRUSO, BASKIN & HARDWICK. Calling for Creation of an EC "Vape Out" Program with Local Schools.

Item 37 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 11-5 from BRUSO & BASKIN. Protections for Youth to Regulate Flavorings in Vaping Devices & E-Cigarettes.

Item 38 – MR. BRUSO presented the following resolution and moved for immediate consideration. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

RE: Support for Voter Registration Initiatives at Volunteer Income Tax Assistance (VITA) Centers & Events
(INTRO. 11-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MEYERS, BASKIN, BRUSO, HARDWICK & JOHNSON**

WHEREAS, the United States has widespread low voter turnout and one barrier to voting is the voter registration process; and

WHEREAS, in 2014, the Pew Research Center estimated that 21.4% of the voting-eligible population was not registered to vote; and

WHEREAS, more than 150 million American households file their income taxes every year; and

WHEREAS, given the American tradition of associating taxation with representation, some analysts have indicated that there may be benefits to linking tax filing with voter registration as tax-paying reminds all filers of the significance of public policy for their daily lives and livelihoods, which might increase interest in political participation through voting; and

WHEREAS, voter registration at tax-filing time might also have the potential to help make the voting population more closely mirror the citizenry as a whole, as low-income Americans are substantially less likely to be registered to vote than higher-income Americans, and are also less likely to actually vote; and

WHEREAS, millions of low-income Americans file their tax returns every year and income tax filing is critical for many working families who rely on the Earned Income and Child Tax Credits to supplement their incomes, thus offering an opportunity to engage these persons and encourage their participation in registering to, and then actually voting; and

WHEREAS, a study involving the Brookings Institution was conducted in Dallas, Texas and Cleveland, Ohio from January-April 2018 to test a hypothesis that engaging non-registered voters through events in which lower-income persons receive free assistance to prepare their federal and state income taxes could spur more voter registrations and voter engagement; and

WHEREAS, the “Filer Voter” experiment was conducted at local Volunteer Income Tax Assistance (VITA) centers coordinated by local or regional nonprofit community organizations, and using IRS-certified VITA volunteer tax preparers who help low- and moderate-income Americans making less than \$55,000 per year to prepare and file their income taxes; and

WHEREAS, a major advantage of the Filer Voter program is its very low cost because it builds on an existing program (VITA) and for organizations looking to increase voter registration in their communities without the costs associated with canvassing and tabling efforts, a Filer Voter program would likely be very efficient when VITA partners with local community agencies or the local government administering elections and voter registration; and

WHEREAS, the Brookings Institution study found that the Filer Voter program in Cleveland and Dallas significantly increased voter registration rates among unregistered persons and more than doubled the likelihood of an unregistered person registering to vote, with, for instance, in the 2018 Ohio primary election, 23% of those who newly registered to vote through the Filer Voter program actually voted, a rate slightly higher than the overall turnout for the state, 21%; and

WHEREAS, the study reported that if the experience of the Filer Voter pilot program in Dallas and Cleveland were replicated at VITA programs nationwide, 115,000 unregistered eligible voters may register to vote, including 63,000 people who would not otherwise register, which should be applauded and encouraged for civic participation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the intention and rationale behind the Filer Voter initiative in the Brookings Institution study, and expresses our support for efforts in Erie County to explore a partnership between local Volunteer Income Tax Assistance (VITA) program coordinators, not-for-profit community partners, and the Erie County Board of Elections to help reach unregistered persons, and register them to vote to help spur voter turnout in elections; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the Erie County Commissioners of Elections, the League of Women Voters Buffalo/Niagara, and the local Volunteer Income Tax Assistance (VITA) coordinators and partners in Erie County.

MR. BRUSO moved to amend the resolution by including Et Al Sponsorship. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved to approve the resolution as amended. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

Item 39 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 11-7 from BRUSO, BASKIN & HARDWICK. Protections for Youth to Restrict Nicotine Limits in Vaping Devices & E-Cigarettes.

Item 40 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

RE: Re-Appropriation of 2019 Public
Benefit Funding
(INTRO. 11-8)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR HARDWICK**

WHEREAS, American Repertory Theater was awarded \$5,000 in public benefit funding by the Erie County Legislature in the adopted 2019 Budget in Fund Center 1332020 – Cultural Agencies; and

WHEREAS, the funding needs to be transferred to alternative community organizations that are deserving and in need of County funding; and

WHEREAS, as in similar 2018 situations, it is the intention of this Honorable Body to transfer such 2019 funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$2,500 of the available 2019 funding allocated for American Repertory Theater in Fund Center 1332020 – Cultural Agencies to the Buffalo Turners gymnastics group, to be established in Fund Center 1332010 – Community/Neighborhood Development; and be it further

RESOLVED, that authorization is provided to transfer \$2,500 of the available 2019 funding allocated for American Repertory Theater in Fund Center 1332020 – Cultural Agencies to American Legion Post 264, to be established in Fund Center 1332010 – Community/Neighborhood Development; and be it further

RESOLVED, that while the agency allocations are changing the overall budget amount is to remain the same for 2019; and be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Commissioner of Environment and Planning, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 41 – MR. BRUSO moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 8E-21 (2019). MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

RE: Environmental Compliance – Phase 4
(COMM. 8E-21, 2019)

WHEREAS, a large portion of design has been completed by Wendel Architecture, Engineering, Surveying & Landscaping Architecture, PC for the Environmental Compliance Phase 4 project (herein called the “Project”); and

WHEREAS, due to inadequate funding for construction, the Project was put on hold; and

WHEREAS, due to delays caused by lack of construction funding, the 15-104-PW contract must be amended to complete the next phase of design and construction administration; and

WHEREAS, the Legislature has previously authorized the County Executive to enter into a Professional Services Agreement with LaBella Associates, D.P.C. for the Project, under COMM. 3E-12 (2014), for an amount not to exceed \$205,600; and

WHEREAS, the County Executive requests authorization to enter into an Amendment with the firm of Wendel Architecture, Engineering, Surveying & Landscaping Architecture, PC for providing additional Professional Architectural/Engineering Services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Amendment with the firm of Wendel Architecture, Engineering, Surveying & Landscaping Architecture, PC for providing the above Professional Architectural/Engineering Services for the Project for an amount not to exceed \$50,038.00, including reimbursables and a design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the Capital Project as follows:

Fund 410 Funds Center 122 Project A.18008 – 2018 EPA Environmental Regulatory Compliance	\$ 50,038
<hr/>	
Total Payment not to Exceed:	\$ 50,038

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

MR. BRUSO moved to approve the item. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 42 – MR. BRUSO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 8E-22 (2019). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

RE: 2019 Consolidated Bond Resolution
(COMM. 8E-22, 2019)

RESOLUTION NO. __-2019
BOND RESOLUTION DATED APRIL __, 2019

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2019 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS

\$42,366,404, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$15,336,207 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AND AUTHORIZING THE ISSUANCE OF \$27,030,197 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) _____, 2019

(Adopted) _____, 2019

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column I of the attached schedule and the duly adopted 2019 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2019 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column B of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column C of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2019 Capital Budget for the County. The plan of financing includes the expenditure of \$15,336,207 in State and Federal aid expected to be received, the issuance of \$27,030,197 aggregate principal amount of bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance the balance of said appropriations, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column D of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$27,030,197

bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column G of the attached schedule.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the respective specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

MR. BRUSO moved to amend the item. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Delete the Communication in its Entirety and Replace with the Following:

RESOLUTION NO. __-2019
BOND RESOLUTION DATED MAY 9, 2019

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2019 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$44,116,529, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$17,086,332 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AND AUTHORIZING THE ISSUANCE OF \$27,030,197 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) _____, 2019
(Adopted) _____, 2019

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column I of the attached schedule and the duly adopted 2019 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2019 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column B of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column C of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2019 Capital Budget for the County. The plan of financing includes the expenditure of \$17,086,332 in State and Federal aid expected to be received, the issuance of \$27,030,197 aggregate principal amount of bonds of the County and any

bond anticipation notes issued in anticipation of the sale of such bonds to finance the balance of said appropriations, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column D of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$27,030,197 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column G of the attached schedule.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the respective specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any

notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

CHART OF COMPONENTS

MR. BRUSO moved to approve the item as amended. MR. MEYERS seconded

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 43 – No Suspension of the Rules offered.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 44 – (COMM. 11E-1) Law Department Spending, 2/2019

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MILLER-WILLIAMS

Item 45 – (COMM. 11E-2) Letter to Chair of EC Legislature Regarding Amended Annual Budget Funding

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 46 – (COMM. 11E-3) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

April 16, 2019

Mr. Robert Graber
Clerk of the Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Graber:

In accordance with the Disclosure of Interest in County Business, Section 5-c, please see the list below of family members employed by any government organization in any capacity:

Susan C. Howard (Spouse)	Deputy Sheriff Reserve P/T Deputy Sheriff Security Reserve Seasonal
Lori Locker (Daughter)	Rochester School District
Daniel Howard (Son)	Senior Investigator, NYS Police
Michelle Howard (Daughter-in-Law)	Investigator, NYS Police
David Howard (Son)	Sergeant, NYS Police
Joe Cino (Son-in-Law)	Sergeant, NYS Police
Brian Howard (Nephew)	Investigator, NYS Police
Seth Howard (Nephew)	Court Office, NYS Office of Court Administration
Bill Brennan (Son-in-Law)	Attorney, NYS Liquor Authority

To my knowledge, there are no other family members as defined by Section 5-c presently employed by any government organization.

Respectfully submitted,

TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY

Item 47 – (COMM. 11E-4) Transfer Telephone Funds for Holding Center Kitchen Equipment

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR MILLS

Item 48 – (COMM. 11E-5) Letter of Absence for 4/25/2019

Received, filed and printed.

April 24, 2019

Robert Graber
Clerk of the Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Clerk Graber,

I will be absent for Session on April 25, 2019. I will be out of town due to a previously scheduled commitment. I have notified the Chairman of my expected absence and have copied him on this letter.

I appreciate your attention on this matter.

Sincerely,

John J. Mills
Erie County Legislator - District 11

Item 49 – (COMM. 11E-6) Letter of Absence for 4/29/2019

Received, filed and printed.

April 29, 2019

Robert Graber
Clerk of the Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Clerk Graber,

I will be absent for Session on April 29, 2019. I will be out of town due to a previously scheduled commitment.

I appreciate your attention on this matter.

Sincerely,

John J. Mills
Erie County Legislator - District 11

FROM THE SHERIFF

Item 50 – (COMM. 11E-7) Requesting Acceptance of Operation Stonegarden Grant for FY 2018

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR SAVAGE

Item 51 – (COMM. 11E-8) Resignation from the EC Legislature

Received, filed and printed.

May 1, 2019

Hon. Michael P. Kearns
Erie County Clerk
92 Franklin Street, First Floor
Buffalo, New York 14202

Re: Resignation from the Erie County Legislature

Dear Mr. Kearns,

I hereby resign my position as the Erie County Legislator for the 3rd Legislative District effective at 11:59 pm on May 1, 2019.

It has been a privilege to represent the residents of the 3rd Legislative District in the Erie County Legislature.

Thank you in advance for your assistance and courtesies.

Sincerely,

Peter J. Savage, III
Erie County Legislator, Third District

Cc: Robert Graber, Clerk of the Legislature

FROM THE COMPTROLLER

Item 52 – (COMM. 11E-9) Letter to County Executive Concerning DPW Employee Termination Following Military Leave

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 53 – (COMM. 11E-10) Interim Financial Report of EC for the First Quarter of 2019

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR BASKIN

Item 54 – (COMM. 11E-11) 2019 Committee Assignments

Received, filed and printed.

2019 Committee Assignments

Revised April 29, 2019

Finance & Management

Chair: John Bruso
Vice Chair: Howard Johnson
Members: Timothy Meyers
Joseph C. Lorigo
John J. Mills

Energy & Environment

Chair: Timothy Meyers
Vice Chair: John Bruso
Members: Kevin R. Hardwick
John J. Mills
Edward A. Rath, III

Health & Human Services

Chair: John Bruso
Vice Chair: Howard Johnson
Members: Timothy Meyers
Lynne M. Dixon
Joseph C. Lorigo

Public Safety

Chair: Howard Johnson
Vice Chair: Thomas A. Loughran
Members: John Bruso
Lynne M. Dixon
Edward A. Rath, III

Government Affairs

Chair: Kevin R. Hardwick
Vice Chair: Timothy Meyers
Members: Howard Johnson
Joseph C. Lorigo
Lynne M. Dixon

Community Enrichment

Chair: Thomas A. Loughran
Vice Chair: Kevin R. Hardwick
Members: John Bruso
Edward A. Rath, III
John J. Mills

Economic Development

Chair: Howard Johnson
Vice Chair: Kevin R. Hardwick
Members: Timothy Meyers

Minority & Women Business Enterprise

Chair: Howard Johnson
Vice Chair: Thomas Loughran
Members: John Bruso

Joseph C. Lorigo
Edward A. Rath, III

John J. Mills
Lynne M. Dixon

FROM THE COMPTROLLER

Item 55 – (COMM. 11E-12) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 6, 2019

Hon. Robert M. Graber
Clerk of the Legislature
92 Franklin Street
Buffalo, New York 14202

RE: Required Disclosure / Family Members Employed by (any) Government

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2 (2018), Section 5c, I am providing a list of my family members employed by any government organization in any capacity. They include:

NAME	RELATION	EMPLOYER
Charlene Morales	Sister	US Postal Service
Christine Kowalyk	Mother In Law	Erie Community College *Part time employee *Retired from Erie County, started in 1970
Adam Kowalyk	Brother In Law *Wife's Brother	Erie County *Hired in 2001
Sean McMahon	Brother In Law *Sister's Husband	US Border Patrol
Anne Mychajliw	First Cousin	Buffalo Public Schools

If you have any questions about this letter, please feel free to contact me at (716) 858-8404, or e-mail me at Comptroller@erie.gov.

Sincerely,

STEFAN I. MYCHAJLIW

Erie County Comptroller.

FROM THE COUNTY EXECUTIVE

Item 56 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

RE: BRIDGE NY Project Final Design Phase
- Culvert Replacement of Amsdell Rd.
(COMM. 11E-13)

WHEREAS, the reconstruction of the Culvert CIN 122-01 on Amsdell Road (CR 122) over Drainage Structure, NYS PIN 5762.23 (the “Project”) was authorized by the legislature in COMM 8E-11 (2017); and

WHEREAS, the County of Erie desires to enter into the final design phase for the Culvert Replacement of Amsdell Road over a Drainage Channel, thus requiring the County Executive to amend the design agreement with C&S Companies; and

WHEREAS, the amendment for the final design phase is estimated at an amount not to exceed \$11,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an amendatory contract with C&S Companies in an amount not to exceed \$11,000 for the final design engineering services in reference to the replacement of the Amsdell Road Culvert over a Drainage Channel (122-01); and be it further

RESOLVED, that the source of these funds shall be allocated from Capital Project B.16015 – 2016 Bridge and Culvert Design, Fund 420, Funds Center 123; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payments for this amended contract; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 57 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

RE: Contract for Provision of Equipment
Rental & Workforce Development
Services
(COMM. 11E-14)

WHEREAS, the Erie County Department of Public Works (DPW), Division of Highways wishes to further its new practice of renting various pieces of equipment, to provide the County with specialized equipment and training, as needed, for winter/seasonal work and other unique emergency situations; and

WHEREAS, an RFP was prepared to select the best vendor to contract with to continue with the rental option; and

WHEREAS, CaHill, LLC, a Women's Business Enterprise (WBE) business tied to Milton CAT in Batavia, NY, a sole source Caterpillar equipment dealer in Western New York, was the chosen respondent after review of their submittal; and

WHEREAS, Legislative approval is needed for the County Executive to enter into a three year agreement with CaHill, LLC, with the option of two one year renewals; and

WHEREAS, there is the option of adding additional types of equipment, as needed at any time, which would add additional rental/training charges for the specialized equipment, with the possibility of the need to purchase specialized accessories for the equipment throughout the various seasons or for unique emergency situations throughout the year; and

WHEREAS, renting gives the advantage of using the latest reliable technology and equipment while eliminating service costs, minimizing downtime, and through this agreement with CaHill provides training for Erie County Highway staff to perform "Do It With Me" maintenance, a customer service agreement in which the customer performs a portion of the service and the vendor performs the balance (e.g. the customer performs service every 250, 500, and 750 hours of machine use and the vendor performs service every 1,000 or 2,000 hours); and

WHEREAS, the rented equipment features Tier 4 fuel efficiency, which provides an estimated fuel cost savings of 15%, VisionLink and Geofencing capabilities for increased oversight of operations by managing equipment location, usage and security, and a new feature, the quick-hitch coupler and hydraulic attachment components for multi-attachment uses; and

WHEREAS, in the event that there is a declared disaster, the geo-fence and Global Positioning System (GPS) enabled equipment will allow clear and transparent tracking for the full 100 percent reimbursement of rental costs that Federal Emergency Management Agency (FEMA) normally pays compared to the prorated hourly rate reimbursement for equipment that is owned by the County.

WHEREAS, Legislative approval is needed to transfer the necessary funds over \$10,000 into GL Account 545000 – Rental Charges, Funds Center 1231010, Fund 210 to cover necessary rental charges.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a three year agreement with the option for two one year renewals with CaHill, LLC a Women's Business Enterprise (WBE) business tied to Milton CAT in Batavia, NY, a sole source Caterpillar equipment dealer in Western, for the rental of various pieces of equipment and purchase of specialized accessories, as needed, to provide the County with specialized equipment, for winter/seasonal work and other unique emergency situations; and be it further

RESOLVED, that authorization is hereby provided for the Director of Budget and Management to transfer any necessary funding over \$10,000 from accounts within the Department of Public Works, Division of Highways Budget into GL Account 545000 – Rental Charges, Fund 210, Funds Center 1231010 to cover the rental, training, and safety auditing costs for the rental of CAT 938M loaders with fusion couplers and 3.5 GP (general purpose) loader buckets for five months over each winter season, as well as the rental of additional specialized equipment, throughout the various seasons or for unique emergency situations, along with the purchase of any necessary specialized equipment/accessories for utilized equipment, without the need for further resolutions; and be it further

RESOLVED, that CaHill, LLC will provide safety services and training for Erie County DPW to provide "Do It With Me" maintenance to maintain a Safety First culture; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

Item 58 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

RE: Ellicott Creek Park - Reconstruction of Shelters #6 & #7 - Demolition of Concession Stand Addition & Shelter #9 (COMM. 11E-15)

WHEREAS, various structures at Ellicott Creek Park were originally built during the Works Progress Administration (WPA) era of the 1930s, and require demolition and/or rehabilitation; and

WHEREAS, the County of Erie received bids for the Ellicott Creek Park – Reconstruction of Shelters #6 & #7 and Demolition of Concession Stand Addition and Shelter #9 project on March 12, 2019; and

WHEREAS, the Erie County Department of Public Works, along with its consultant, LaBella Associates, D.P.C., are recommending award of a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Ellicott Creek Park – Reconstruction of Shelters #6 & #7 and Demolition of Concession Stand Addition and Shelter #9 project for an amount not to exceed as follows:

General Construction Work

Horizon Masonry Restoration, Inc.	Base Bid:	\$ 264,000
	Add Alternate No. 1:	\$ 60,000
	Add Alternate No. 2:	\$ 8,000
Total Award of General Construction Contract:		\$ 332,000

Total Award of all Construction Contracts: \$ 332,000

and be it further

RESOLVED, that the sum of \$33,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from Capital Projects as follows:

A.16013 – 2016 Countywide Parks Improvements	Fund 410	Funds Center 164	\$365,000
Total Payment not to Exceed:			\$365,000

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Department of Parks, Recreation, and Forestry, and the Office of the Comptroller.

Item 59 – (COMM. 11E-16) Acceptance of Grant Award - "High Impact Prevention within Communities of Color"

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 60 – (COMM. 11E-17) SUNY Erie South Campus '19 Classroom Infrastructure & Gymnasium Improvements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 61 – (COMM. 11E-18) Authorization to Enter into Contract with Plugin Stations
Online LLC

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 62 – (COMM. 11E-19) Tonawanda Rails to Trails Extension - City of Tonawanda IMA
Amendment & Related Construction Contract Change Order

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 63 – (COMM. 11E-20) Senior Services Education & Public Messaging Campaign

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 64 – (COMM. 11E-21) ECSD No. 8 - Engineering Term Contract Agreement

Item 65 – (COMM. 11E-22) ECSD Nos. 1, 4 & 5 - Engineering Term Contract Agreement

The above two items were received and referred to the ENERGY & ENVIRONMENT
COMMITTEE.

Item 66 – (COMM. 11E-23) Acceptance of Performance Incentive Initiative Award

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 67 – (COMM. 11E-24) Contract with H. Sicherman/The Harrison Studio

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 68 – (COMM. 11E-25) Analysis of Impediments to Fair Housing Choice Agreements

Item 69 – (COMM. 11E-26) ECSD No. 3 - Engineering Term Contract Agreement

The above two items were received and referred to the ENERGY & ENVIRONMENT
COMMITTEE.

Item 70 – (COMM. 11E-27) Appointments to EC Arts & Cultural Advisory Board

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 71 – (COMM. 11E-28) Acceptance of Section 5310 Enhanced Mobility Grant Funding

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 72 – (COMM. 11E-29) ECSD No. 3 - Southtowns AWTF ORF Rehabilitation

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 73 – (COMM. 11E-30) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 2, 2019

Robert Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Filing Pursuant to Erie County Ethics Law Section 5(c)

Dear Honorable Members:

Pursuant to Section 5(c) of the recently enacted Code of Ethics, the undersigned hereby submits to you a list of all family members as defined in the law presently employed by any government organization in any capacity:

Name of Relative	Relation to Self	Employer
Robb Poloncarz	Brother	Erie County
Lynn Poloncarz	Sister-in-law	Orchard Park Central School District
James Jurek	First Cousin	Erie County

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code of Ethics presently employed by any government. If you have any questions on this filing please contact the undersigned at your earliest convenience.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

Item 74 – (COMM. 11E-31) Appointments to EC Environmental Management Council

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 75 – (COMM. 11D-1) SEQR - Negative Declaration of EC Parks Master Plan Update Adoption

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 76 – (COMM. 11D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 77 – (COMM. 11D-3) CPS Statistical Report - April 2019

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 78 – (COMM. 11D-4) Budget Monitoring Report - Period Ending March 2019

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF EDEN

Item 79 – (COMM. 11M-1) Certified Copy of Resolution Requesting EC Conduct an All-Way Stop Study at East Eden Rd. & Eckhardt Rd. - Town of Eden

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM NIAGARA PRODUCE

Item 80 – (COMM. 11M-2) Impacts of EC "Opting In" to Bag Waste Reduction Fee

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NY FOUNDATION FOR FAIR CONTRACTING

Item 81 – (COMM. 11M-3) Reconstruction of Lake Avenue Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC BAR ASSOCIATION

Item 82 – (COMM. 11M-4) Testimony Regarding EC Corrections Specialist Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NFTA

Item 83 – (COMM. 11M-5) Cash Flow Statement for 4/1/17 - 3/31/19 & Projected Cash Flow for 4/1/19 - 3/31/20

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ECIDA

Item 84 – (COMM. 11M-6) ECIDA's 2018 Annual Audited Financial Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 85 – Chair Baskin announced that the schedule for committee meetings to be held on Thursday, May 16, 2019, has been distributed.

Item 86 – Legislator Lorigo requested the addition of a Finance & Management Committee meeting on May 16, 2019.

Item 87 – Legislator Dixon requested the addition of a Government Affairs Committee meeting on May 16, 2019.

MEMORIAL RESOLUTIONS

Item 88 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Lynn S. Millane, and Jane M. Lepkoske.

Item 89 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Shirle Roberts and David Wesolek, Jr., and John E. Moore.

Item 90 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Carol A. (Doherty) Moore.

Item 91 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Lynn S. Millane.

ADJOURNMENT

Item 92 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, May 23, 2019 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, May 23, 2019 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE